

**UNITED STATES DISTRICT COURT  
FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA**

NEXTGEAR CAPITAL, INC.	:	CIVIL ACTION
	:	
	:	3:18-CV-01617-MEM
Plaintiffs	:	(Judge Mannion)
	:	
vs.	:	MOTION TO SET ASIDE
	:	ENTRY OF DEFAULT
ANTONIO L. GUTIERREZ, PAUL	:	
GUTIERREZ,	:	MOTION TO DISMISS
	:	
Defendants	:	ELECTRONICALLY FILED

Defendant ANTONIO L. GUTIERREZ, for himself only, and separately from the remaining defendants named in this action, by his attorneys, Grabowski Law Offices, LLC, moves the court:

1. Pursuant to Fed.R.C.P. 55(c) to set aside entry of default, filed on or about November 7, 2018.
2. To dismiss the complaint or in the alternative to quash the return of service of summons on this defendant, on the ground that the court is without jurisdiction over this defendant, as more particularly appears from the affidavit of Defendant ANTONIO L. GUTIERREZ.
3. To dismiss the complaint as to ANTONIO L. GUTIERREZ on the ground that the venue is improper in this district or, in the alternative,

to transfer this case to the United States District Court for the District of New Jersey on the basis of forum non conveniens.

4. To dismiss the complaint on the ground of the “Full Faith and Credit” Doctrine.
5. To dismiss the complaint on the ground of the Doctrine of Abstention.
6. To grant any other relief that the court may deem equitable and just.

The Declaration of Defendant ANTONIO L. GUTIERREZ and Exhibits in support of this motion and each ground are attached.

Oral argument is requested unless otherwise directed by the Court.

Dated: December 7, 2018

Respectfully Submitted:

Grabowski Law Offices, LLC

By: /s/ **Walter T. Grabowski**  
Walter T. Grabowski  
Pa. Attorney ID 28296

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